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**HEARING DATE & TIME:**  
**APRIL 21, 2021 AT 2:00 PM**

Counsel for the Debtor

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re : CHAPTER 13  
  
MICHAEL FRIEDLANDER, :  
CASE NO.: 18-22882-SHL  
:  
Debtor. :  
----- X

**THE DEBTOR'S OBJECTION TO TRUSTEE'S MOTION TO DISMISS**  
**AND REQUEST FOR ADJOURNMENT**

**TO: THE HONORABLE SEAN H. LANE**  
**UNITED STATES BANKRUPTCY JUDGE**

1. On or about June 7, 2018, the Debtor filed a voluntary petition for relief under Chapter 13 of Title 11 of the United States Code, as amended (the "Bankruptcy Code") with the Clerk of this Court. The case was initially referred to the Hon. Robert D. Drain and thereafter to the Bankruptcy Judge herein.

2. The Debtor's financial reverses was precipitated primarily by tax and mortgage debts.

3. The Debtor's Chapter 13 plan was confirmed on February 24, 2020 (the "Plan"). It provided for payments of \$625.00 per month.

4. The Debtor's plan provided a 100% distribution to creditors.

5. Thereafter, due to the COVID-19 pandemic, the Debtor fell behind with his payments to the Trustee. The Debtor is a tennis instructor and coach. His income decreased. The Debtor filed a Second Amended Plan under the CARES Act on

September 10, 2020 which called for thirty-three (33) payments of \$625.00 and fifty one (51) payments of \$400.00. A copy of the Second Amended Plan is annexed hereto as Exhibit A. It was approved on December 16, 2020 (Dkt. No. 67).

6. The amended plan also provides for a 100% distribution.

THE TRUSTEE'S MOTION TO DISMISS  
SHOULD BE DENIED OR WITHDRAWN

7. The Trustee moved to dismiss the Debtor's case on the grounds that the Debtor was allegedly behind \$13,507.00 in arrears.

8. As per the Second Amended Plan, \$21,025.00 should have been paid to date. The Debtor only paid \$15,000.00 in total as per the TFS payment summary annexed hereto as Exhibit B.

9. Based upon the foregoing, the Debtor is only \$6,025.00 in arrears. The Debtor explained that he had temporary financial setbacks but indicated that he will pay that amount by April 8, 2021.

10. It is submitted that the Trustee's motion be denied or deferred.

Dated: White Plains, New York  
April 6, 2021

PENACHIO MALARA, LLP  
By: /s/ Anne Penachio  
Anne Penachio  
Counsel for the Debtor  
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